

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

UNITED STATES OF AMERICA,)
)
 Plaintiff(s),)
)
 vs.)
)
 RICHARD YOUNG,)
)
)
 Defendant(s).)
 _____)

CASE NO. 3:08-CR-120-LRH(VPC)

Final Instructions to the Jury Regarding
Asset Forfeiture

✓

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
MAR 31 2011	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICK YOUNG,

Defendant.

3:08-cr-120-LRH-VPC

JURY INSTRUCTIONS REGARDING
FORFEITURE

Ladies and Gentleman of the Jury, I know you have labored long and hard, but at this stage of the proceedings there is one additional duty which you must carry out as part of your responsibility as jurors. This will require that you retire to the jury room once again to deliberate and consider a special verdict which will be handed to you in a few moments by the clerk.

The special verdict applies to the defendant Rick Young, whom you have just found guilty of **Conspiracy to Commit Wire Fraud, Wire Fraud, and Securities Fraud**, as charged in the Second Superseding Indictment. What you must now decide is whether certain property which the United States claims is subject to forfeiture to the United States because of its connection to the defendant's criminal activities is, in fact, subject to forfeiture under the law.

In this regard, I instruct you that your previous determination that the defendant is guilty of the certain criminal offenses is binding on this part of the proceeding, and you must not seek to discuss or determine anew whether the defendant is guilty or not guilty of any of those charges. All of my previous instructions regarding credibility of witnesses and your duty to deliberate apply with respect

1 to the special verdict. Unless I instruct you otherwise, you should consider all of my previous
2 instructions when deliberating as to forfeiture.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26 JURY INSTRUCTION 1

1 The government must prove its forfeiture claims by a preponderance of the evidence. A
2 preponderance of the evidence is evidence which persuades you that a fact is more likely true than
3 not true. This preponderance of the evidence standard is different than the standard of proof you used
4 in deliberating the defendant's guilt of the charged criminal offenses. You now must apply the
5 preponderance of evidence standard.

1 Certain monies or items of property which are determined to be forfeitable may be subject
2 to forfeiture on multiple grounds. You need not be concerned with "overlapping" of monetary
3 amounts or properties. The court will conduct additional proceedings later, if necessary, to account
4 for possible overlapping. You need concern yourself only with whether the properties as set out in
5 the special verdict forms are connected with the criminal offenses as I have described. It is important,
6 however, that you indicate on the special verdict form all bases on which you find any given property
7 subject to forfeiture.

1 I instruct you that what happens to any property that is declared forfeited is exclusively a
2 matter for the court to decide. You should not consider what might happen to the property in
3 determining whether the property is subject to forfeiture. In this connection, you should disregard any
4 claims that other persons may have to the property. The interests that others persons may have in the
5 property will be taken into account by the court at a later time.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

JURY INSTRUCTION 4

1 Your duty now is to determine whether the property I am about to describe was property
2 constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result
3 of his participation in the Conspiracy to Commit Wire Fraud, the Wire Fraud, and the Securities Fraud
4 offenses to which he has been convicted.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 JURY INSTRUCTION 5

1 The government alleges that certain property which I will describe to you is subject to
2 forfeiture because it is proceeds generated, directly or indirectly, by the Conspiracy to Commit Wire
3 Fraud offense of which he has been convicted, Count One of the Second Superseding Indictment.

4 The government is entitled to a judgment against the defendant for an amount of money equal
5 to the proceeds the defendant obtained, directly or indirectly, as the result of that criminal offense.

6 The government alleges that the following property is subject to forfeiture:

7 Real Estate

8 1. 206 Main, Lewistown, Montana, Parcel # 08246715146010000 (partially depicted in
9 Exhibit #147);

10 2. 212 Main, Lewistown, Montana, Parcel # 08246715146020000 (partially depicted in
11 Exhibit #147);

12 3. 116 Daws, Lewistown, Montana, Parcel # 08246715146350000 (partially depicted in
13 Exhibit #147);

14 4. 716 Ohio, Lewistown, Montana, Parcel # 08246715257010000 (partially depicted in
15 Exhibit #150);

16 5. The garage adjacent to 716 Ohio, Lewistown, Montana, Parcel # 08246715257020000
17 (partially depicted in Exhibit #150);

18 6. Lewistown, Montana, Parcel # 08246709220060001 (partially depicted in Exhibit #149);

19 7. 1421 Cochrane Avenue, Montana 59457, Parcel # 08246709220068002 (partially depicted
20 in Exhibit #149);

21 8. 1208 7th Avenue N., Lewistown, Montana, Parcel # 08246715257040000 (partially
22 depicted in Exhibit #148).

23
24 Funds

25 All funds held in a Wells Fargo bank account, having bank account # 226266396994 and in
26 the name of Global One Group LLC (partially depicted in Exhibit #151).

1 Businesses

2 1. Superior Automotive Repair & Towing, LLC, a corporate entity having an address at 206
3 East Main, Lewistown, Montana (partially depicted in Exhibit #147).

4 2. Superior Towing, LLC, a corporate entity having an address at 206 East Main, Lewistown,
5 Montana (partially depicted in Exhibit #147).

6
7 Your verdict that each item is subject to forfeiture must be unanimous: that is, everyone must
8 agree that the evidence proves, by a preponderance of the evidence, that the item in question is
9 property constituting or derived from any proceeds the defendant obtained, directly, or indirectly, as
10 the result of his violation of Conspiracy to Commit Wire Fraud.

11 While deliberating, you may consider any evidence offered by the United States or the
12 defendant offered before or after your previous deliberations.

13 Special verdict forms have been prepared for your use. On this form you will first be asked
14 whether the property constitutes, or is it derived from, any proceeds the defendant obtained, directly,
15 or indirectly, as the result of his Conspiracy to Commit Wire Fraud. You may answer by simply
16 putting an "X" or check mark in the space provide next to the words "YES" or "NO". The foreperson
17 must then sign and date the special verdict forms.

1 The government alleges that certain property which I will describe to you is subject to
2 forfeiture because it is proceeds generated, directly or indirectly, by the Wire Fraud offense of which
3 he has been convicted, Count Two of the Second Superseding Indictment.

4 The government is entitled to a judgment against the defendant for an amount of money equal
5 to the proceeds the defendant obtained, directly or indirectly, as the result of that criminal offense.

6 The government alleges that the following property is subject to forfeiture:

7 Real Estate

8 1. 206 Main, Lewistown, Montana, Parcel # 08246715146010000 (partially depicted in
9 Exhibit #147);

10 2. 212 Main, Lewistown, Montana, Parcel # 08246715146020000 (partially depicted in
11 Exhibit #147);

12 3. 116 Daws, Lewistown, Montana, Parcel # 08246715146350000 (partially depicted in
13 Exhibit #147);

14 4. 716 Ohio, Lewistown, Montana, Parcel # 08246715257010000 (partially depicted in
15 Exhibit #150);

16 5. The garage adjacent to 716 Ohio, Lewistown, Montana, Parcel # 08246715257020000
17 (partially depicted in Exhibit #150);

18 6. Lewistown, Montana, Parcel # 08246709220060001 (partially depicted in Exhibit #149);

19 7. 1421 Cochrane Avenue, Montana 59457, Parcel # 08246709220068002 (partially depicted
20 in Exhibit #149);

21 8. 1208 7th Avenue N., Lewistown, Montana, Parcel # 08246715257040000 (partially
22 depicted in Exhibit #148).

23
24 Funds

25 All funds held in a Wells Fargo bank account, having bank account # 226266396994 and in
26 the name of Global One Group LLC (partially depicted in Exhibit #151).

1 Businesses

2 1. Superior Automotive Repair & Towing, LLC, a corporate entity having an address at 206
3 East Main, Lewistown, Montana (partially depicted in Exhibit #147).

4 2. Superior Towing, LLC, a corporate entity having an address at 206 East Main, Lewistown,
5 Montana (partially depicted in Exhibit #147).

6
7 Your verdict that each item is subject to forfeiture must be unanimous: that is, everyone must
8 agree that the evidence proves, by a preponderance of the evidence, that the item in question is
9 property constituting or derived from any proceeds the defendant obtained, directly, or indirectly, as
10 the result of his violation of Count Two, Wire Fraud.

11 While deliberating, you may consider any evidence offered by the United States or the
12 defendant offered before or after your previous deliberations.

13 Special verdict forms have been prepared for your use. On this form you will first be asked
14 whether the property constitutes, or is it derived from, any proceeds the defendant obtained, directly,
15 or indirectly, as the result of his Count 2, Wire Fraud. You may answer by simply putting an "X" or
16 check mark in the space provide next to the words "YES" or "NO". The foreperson must then sign
17 and date the special verdict forms.

1 The government alleges that certain property which I will describe to you is subject to
2 forfeiture because it is proceeds generated, directly or indirectly, by the Wire Fraud offense of which
3 he has been convicted, Count Six of the Second Superseding Indictment.

4 The government is entitled to a judgment against the defendant for an amount of money equal
5 to the proceeds the defendant obtained, directly or indirectly, as the result of that criminal offense.

6 The government alleges that the following property is subject to forfeiture:

7 Real Estate

8 1. 206 Main, Lewistown, Montana, Parcel # 08246715146010000 (partially depicted in
9 Exhibit #147);

10 2. 212 Main, Lewistown, Montana, Parcel # 08246715146020000 (partially depicted in
11 Exhibit #147);

12 3. 116 Daws, Lewistown, Montana, Parcel # 08246715146350000 (partially depicted in
13 Exhibit #147);

14 4. 716 Ohio, Lewistown, Montana, Parcel # 08246715257010000 (partially depicted in
15 Exhibit #150);

16 5. The garage adjacent to 716 Ohio, Lewistown, Montana, Parcel # 08246715257020000
17 (partially depicted in Exhibit #150);

18 6. Lewistown, Montana, Parcel # 08246709220060001 (partially depicted in Exhibit #149);

19 7. 1421 Cochrane Avenue, Montana 59457, Parcel # 08246709220068002 (partially depicted
20 in Exhibit #149);

21 8. 1208 7th Avenue N., Lewistown, Montana, Parcel # 08246715257040000 (partially
22 depicted in Exhibit #148).

23
24 Funds

25 All funds held in a Wells Fargo bank account, having bank account # 226266396994 and in
26 the name of Global One Group LLC (partially depicted in Exhibit #151).

1 Businesses

2 1. Superior Automotive Repair & Towing, LLC, a corporate entity having an address at 206
3 East Main, Lewistown, Montana (partially depicted in Exhibit #147).

4 2. Superior Towing, LLC, a corporate entity having an address at 206 East Main, Lewistown,
5 Montana (partially depicted in Exhibit #147).

6
7 Your verdict that each item is subject to forfeiture must be unanimous: that is, everyone must
8 agree that the evidence proves, by a preponderance of the evidence, that the item in question is
9 property constituting or derived from any proceeds the defendant obtained, directly, or indirectly, as
10 the result of his violation of Count Six, Wire Fraud.

11 While deliberating, you may consider any evidence offered by the United States or the
12 defendant offered before or after your previous deliberations.

13 Special verdict forms have been prepared for your use. On this form you will first be asked
14 whether the property constitutes, or is it derived from, any proceeds the defendant obtained, directly,
15 or indirectly, as the result of his Count Six, Wire Fraud. You may answer by simply putting an "X"
16 or check mark in the space provide next to the words "YES" or "NO". The foreperson must then sign
17 and date the special verdict forms.

1 The government alleges that certain property which I will describe to you is subject to
2 forfeiture because it is proceeds generated, directly or indirectly, by the Securities Fraud offense of
3 which he has been convicted, Count Thirteen of the Second Superseding Indictment.

4 The government is entitled to a judgment against the defendant for an amount of money equal
5 to the proceeds the defendant obtained, directly or indirectly, as the result of that criminal offense.

6 The government alleges that the following property is subject to forfeiture:

7 Real Estate

8 1. 206 Main, Lewistown, Montana, Parcel # 08246715146010000 (partially depicted in
9 Exhibit #147);

10 2. 212 Main, Lewistown, Montana, Parcel # 08246715146020000 (partially depicted in
11 Exhibit #147);

12 3. 116 Daws, Lewistown, Montana, Parcel # 08246715146350000 (partially depicted in
13 Exhibit #147);

14 4. 716 Ohio, Lewistown, Montana, Parcel # 08246715257010000 (partially depicted in
15 Exhibit #150);

16 5. The garage adjacent to 716 Ohio, Lewistown, Montana, Parcel # 08246715257020000
17 (partially depicted in Exhibit #150);

18 6. Lewistown, Montana, Parcel # 08246709220060001 (partially depicted in Exhibit #149);

19 7. 1421 Cochrane Avenue, Montana 59457, Parcel # 08246709220068002 (partially depicted
20 in Exhibit #149);

21 8. 1208 7th Avenue N., Lewistown, Montana, Parcel # 08246715257040000 (partially
22 depicted in Exhibit #148).

23
24 Funds

25 All funds held in a Wells Fargo bank account, having bank account # 226266396994 and in
26 the name of Global One Group LLC (partially depicted in Exhibit #151).

Businesses

1. Superior Automotive Repair & Towing, LLC, a corporate entity having an address at 206 East Main, Lewistown, Montana (partially depicted in Exhibit #147).

2. Superior Towing, LLC, a corporate entity having an address at 206 East Main, Lewistown, Montana (partially depicted in Exhibit #147).

Your verdict that each item is subject to forfeiture must be unanimous: that is, everyone must agree that the evidence proves, by a preponderance of the evidence, that the item in question is property constituting or derived from any proceeds the defendant obtained, directly, or indirectly, as the result of his violation of Count Thirteen, Securities Fraud.

While deliberating, you may consider any evidence offered by the United States or the defendant offered before or after your previous deliberations.

Special verdict forms have been prepared for your use. On this form you will first be asked whether the property constitutes, or is it derived from, any proceeds the defendant obtained, directly, or indirectly, as the result of his Count Thirteen, Securities Fraud. You may answer by simply putting an "X" or check mark in the space provide next to the words "YES" or "NO". The foreperson must then sign and date the special verdict forms.

GIVEN IN OPEN COURT this 31st day of March, 2011.


UNITED STATES DISTRICT JUDGE

JURY INSTRUCTION 9